

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

2015 JAN 26 P 2:18

ICORE NETWORKS, Inc.

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Plaintiff,

vs.

Case No. 1:15-CV-98 (LMB/IDD)

*ALACRITY COLLECTIONS
CORPORATION,*

Defendant.

NOTICE OF REMOVAL
UNDER 28 U.S.C. § 1332(a)
(DIVERSITY OF CITIZENSHIP)

NOTICE OF REMOVAL

Defendant ALACRITY COLLECTIONS CORPORATION ("Defendant"), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby files this Notice of Removal from Fairfax County Circuit Court, Virginia to the United States District Court for the Eastern District of Virginia, Alexandria Division. Defendant files this Notice with full reservation of all rights, including the reservation of all defenses permitted by Rule 12 of the Federal Rules of Civil Procedure and all other procedural and substantive defenses to the alleged claims of ICORE NETWORKS, INC., ("Plaintiff"). Defendant respectfully states the following as grounds for removal:

I. THE REMOVED CASE

1. The removed case is a civil action filed on December 12, 2014 in Fairfax County Circuit Court, Virginia, assigned Case No. 2014-16088 and captioned ICORE NETWORKS, INC., v. ALACRITY COLLECTIONS, CORPORATION.

II. PAPERS FROM REMOVED ACTION

2. As required by 28 U.S.C. § 1446(a), copies of all process, pleadings, orders, and other papers or exhibits filed in the State Court action are attached as **Exhibit 1**.

III. THE REMOVAL IS TIMELY

3. Plaintiff commenced this action on December 12, 2014 and served Defendant through its Resident Agent, Susan K. Hayes, 900 Bestgate Road, Suite 407, Annapolis, MD 21401 on January 5, 2015. Hence this Notice of Removal is timely filed, pursuant to 28 U.S.C. § 1446(b), within 30 days of receipt of the initial pleading and within one year of the commencement of the action.

IV. THE VENUE REQUIREMENT IS MET

4. Venue of this removal is proper under 28 U.S.C. § 1441(a) and Local Civil Rule 3(B)(1) in the Eastern District of Virginia, Alexandria Division because the Fairfax County Circuit Court is within the Eastern District of Virginia and the Alexandria Division.

V. DIVERSITY OF CITIZENSHIP EXISTS BETWEEN PARTIES IN THE COMPLAINT AND THE AMOUNT IN CONTROVERSY IS SUFFICIENT

5. Plaintiff is a corporation created under the laws of Delaware with its principal place of business in McLean, Virginia.

6. Defendant is a corporation organized and existing under the laws of Maryland.

7. Complete diversity of citizenship exists at the time of the filing of the Complaint and at present.

8. The amount in controversy in this case exceeds the sum or value of \$75,000.000, exclusive of interest and costs, as shown by the attached **Exhibit 1**.

9. Thus, this Court has original jurisdiction over this action under 28 U.S.C. § 1332. Thus action may, therefore, be removed pursuant to 28 U.S.C. § 1441.

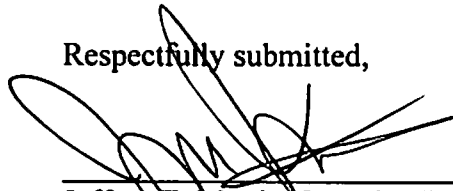
VI. FILING OF REMOVAL PAPERS

10. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action will be promptly served upon Plaintiff and a Notice of this Notice of Removal, along with this Notice and all attachments, will be filed with the Clerk of Fairfax County Circuit Court, Virginia.

WHEREFORE, Defendant prays that this Notice of Removal be deemed good and sufficient and that aforesaid action be removed from the Circuit Court in and for Fairfax County, Virginia, to the United States District Court for the Eastern District of Virginia, Alexandria Division for all further proceedings.

January 26, 2015

Respectfully submitted,

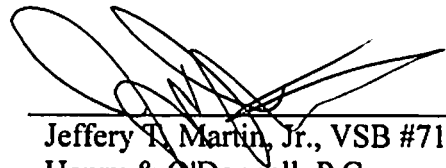


Jeffery T. Martin, Jr., VSB #71860
Henry & O'Donnell, P.C.
300 N. Washington Street, Suite 204
Alexandria, Virginia 22314
(703) 548-2100 *telephone*
(703) 548-2105 *facsimile*
jtm@henrylaw.com
Counsel for Defendant

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was sent on the 26th day of January, 2015, via first class mail, postage pre-paid to:

David N. Goldberg
David E. Bateman
OFFIT KURMAN, P.C.
8000 Towers Crescent Drive
Suite 1450
Tysons Corner, Virginia 22182
Attorneys for Plaintiff



Jeffery T. Martin, Jr., VSB #71860
Henry & O'Donnell, P.C.
300 N. Washington Street, Suite 204
Alexandria, Virginia 22314
(703) 548-2100 *telephone*
(703) 548-2105 *facsimile*
jtm@henrylaw.com
Counsel for Defendant